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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

TIMOTHY MEACHAM,

Plaintiff,

v.

SPIRIT AIRLINES INC.; KERRIE
CONRAD; AND AIRPORT
TERMINAL SERVICES, INC., a
Missouri Corporation

Defendants.

Case No. 3:15-cv-00338-SI

**DEFENDANT SPIRIT AIRLINES
INC.'S ANSWER AND
AFFIRMATIVE DEFENSES TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

DEMAND FOR JURY TRIAL

COMES NOW defendant Spirit Airlines, Inc. ("Spirit") and answers
plaintiff's First Amended Complaint as follows:

I. PARTIES

1. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and therefore denies those allegations.

2. Spirit admits the allegations of paragraph 2.

3. Spirit admits the allegations of paragraph 3.

4. Spirit admits the allegations of paragraph 4.

II. JURISDICTION AND VENUE

5. Spirit admits the allegations of paragraph 5.

6. Spirit admits the allegations of paragraph 6.

7. Spirit admits the allegations of paragraph 7.

8. Spirit admits the allegations of paragraph 8.

III. GENERAL ALLEGATIONS

9. Spirit admits the allegations of paragraph 9.

10. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 and therefore denies those allegations.

11. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11 and therefore denies those allegations.

12. Spirit admits the allegations of paragraph 12.

13. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 13.

14. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 14.

15. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 15.

16. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 16.

17. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 17.

18. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 18.

19. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 19.

20. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 20.

21. Spirit admits the allegations of paragraph 21.

22. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 22 and therefore denies those allegations.

23. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23 and therefore denies those allegations.

24. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 24 and therefore denies those allegations.

25. Spirit admits that Meacham, Allison McDonouth, Sarah Torneby, and Megan Torneby boarded a Spirit Airlines airplane at Gate D-2 at the Portland International Airport. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 25 and therefore denies those allegations.

26. Spirit admits the allegations of paragraph 26.

27. Spirit admits that it was requested of these individuals that they leave the aircraft. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 27 and therefore denies those allegations.

28. Spirit admits the allegations of paragraph 28.

29. Spirit denies the allegations of paragraph 29.

30. Spirit admits that paramedics came to the jet bridge. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 30 and therefore denies those allegations.

31. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 31 and therefore denies those allegations.

32. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 32 and therefore denies those allegations.

33. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 33 and therefore denies those allegations.

34. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 34 and therefore denies those allegations.

35. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 35 and therefore denies those allegations.

36. Spirit lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 36 and therefore denies those allegations.

IV. LIABILITY

FIRST CLAIM FOR RELIEF - Negligence

Count I – Premises and Invitee Liability as to Defendants Spirit and ATS

37. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

38. Spirit admits that Meacham was a customer of Spirit. Spirit denies the remaining allegations of paragraph 38.

39. This paragraph contains a legal conclusion that requires no response from Spirit. As to any factual allegations, Spirit denies the allegations of paragraph 39.

- 40. Spirit denies the allegations of paragraph 40.
- 41. Spirit denies the allegations of paragraph 41.
- 42. Spirit denies the allegations of paragraph 42.
- 43. Spirit denies the allegations of paragraph 43.
- 44. Spirit denies the allegations of paragraph 44.
- 45. Spirit denies the allegations of paragraph 45.
- 46. Spirit denies the allegations of paragraph 46.
- 47. Spirit denies the allegations of paragraph 47.
- 48. Spirit denies the allegations of paragraph 48.
- 49. Spirit denies the allegations of paragraph 49.
- 50. Spirit denies the allegations of paragraph 50.

Count II – Common Carrier Liability as to Defendant Spirit and ATS

51. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

52. Spirit admits that it is a common carrier and that it has the duties of a common carrier. Spirit denies the remaining allegations of paragraph 52.

- 53. Spirit denies the allegations of paragraph 53.
- 54. Spirit denies the allegations of paragraph 54.
- 55. Spirit denies the allegations of paragraph 55.

56. Spirit denies the allegations of paragraph 56.

57. Spirit denies the allegations of paragraph 57.

58. Spirit denies the allegations of paragraph 58.

59. Spirit denies the allegations of paragraph 59.

60. Spirit denies the allegations of paragraph 60.

61. Spirit denies the allegations of paragraph 61.

Count III – Negligence as to Spirit, ATS and Conrad

62. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

63. Spirit admits the allegations of paragraph 63.

64. Spirit admits the allegations of paragraph 64.

65. Spirit admits the allegations of paragraph 65.

66. Spirit denies the allegations of paragraph 66.

67. Spirit denies the allegations of paragraph 67.

68. Spirit denies the allegations of paragraph 68.

69. Spirit denies the allegations of paragraph 69.

70. Spirit denies the allegations of paragraph 70.

71. Spirit denies the allegations of paragraph 71.

72. Spirit denies the allegations of paragraph 72.

73. Spirit denies the allegations of paragraph 73.

74. Spirit denies the allegations of paragraph 74.

75. Spirit denies the allegations of paragraph 75.

76. Spirit denies the allegations of paragraph 76.

77. Spirit denies the allegations of paragraph 77.

78. Spirit denies the allegations of paragraph 78.

79. Spirit denies the allegations of paragraph 79.

SECOND CLAIM FOR RELIEF – Battery, Spirit, ATS and Conrad

80. Spirit reasserts and re-alleges each and every answer contained in the preceding paragraphs of this Answer, and incorporates them herein by reference as though set forth herein.

81. Spirit denies the allegations of paragraph 81.

82. Spirit denies the allegations of paragraph 82.

83. Spirit denies the allegations of paragraph 83.

84. Spirit denies the allegations of paragraph 84.

85. Spirit denies the allegations of paragraph 85.

86. Spirit denies the allegations of paragraph 86.

87. Spirit denies the allegations of paragraph 87.

88. No response is required to this statement. If further pleading is authorized by the court, Spirit affirmatively denies that punitive damages are appropriate in this case.

89. No response is required to this statement.

SPIRIT'S AFFIRMATIVE DEFENSES

1. Plaintiff's alleged damages and injuries if any, were proximately caused or contributed to in whole or in part by the superseding, intervening, unexpected, and unforeseeable acts or omissions of individuals or entities over whom Spirit exercised no control, which bars plaintiff from recovering damages against Spirit or limits plaintiff's recovery.

2. Plaintiff's alleged damages and injuries, if any, were proximately caused or contributed to in whole or in part by plaintiff, which bars plaintiff from recovering damages against Spirit or limits plaintiff's recovery.

3. Though Spirit denies any liability to plaintiff for any damages whatsoever, upon information and belief, plaintiff may have failed to mitigate his damages.

4. Plaintiff's claims are preempted by federal law.

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PRAYER

WHEREFORE, having fully answered the allegations in plaintiff's Complaint, Spirit prays that judgment be entered against the plaintiff and in favor of Spirit, that the Complaint and every count therein be dismissed, that costs and disbursements be awarded to Spirit, and that Spirit have such other and further relief as the Court deems just and proper.

JURY DEMAND

Pursuant to Fed. R. Civ. P. 38(b), defendant Spirit Airlines, Inc. demands a trial by jury.

DATED this 21st day of July, 2015.

s/ Elizabeth M. Ferrarini
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Of Attorneys for Defendant Spirit Airlines, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **DEFENDANT SPIRIT AIRLINES INC.'S ANSWER AND AFFIRMATIVE DEFENSES TO PLAINTIFF'S FIRST AMENDED COMPLAINT** by the following indicated method or methods:

- ☒ Notice of this filing will be sent by e-mail to plaintiff's counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF system.

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Attorneys for Defendants Kerrie Conrad and
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DATED this 21st day of July, 2015.

s/ Elizabeth M. Ferrarini
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